

**Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as effective January 31, 1996.**

## **AMENDMENTS TO PREVAILING WAGE REGULATION 1.101**

### **Arkansas Department of Labor**

SECTION 1. Prevailing Wage Regulation 1.101(2), regarding definitions, is amended to read as follows:

(2) “Building construction” means generally the construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies. It includes all construction of such structures, the installation of utilities and the installation of equipment, both above and below grade level as well as incidental grading, utilities and paving, unless there is an established area practice to the contrary. Additionally, such structures need not be “habitable” to be building construction. The installation of heavy machinery and/or equipment may not change the project’s character as a building. Examples of building construction follow:

- Alterations and additions to nonresidential buildings
- Apartment buildings (5 stories and above)
- Arenas (enclosed)
- Auditoriums
- Automobile parking garages
- Banks and financial buildings
- Barracks
- Churches
- City halls
- Civic centers
- Commercial buildings
- Court houses
- Detention facilities
- Dormitories (except wood-frame student housing 3 stories or less)
- Farm buildings
- Fire stations
- Hospitals
- Industrial buildings
- Libraries
- Mausoleums
- Motels
- Museums
- Nursing & convalescent facilities
- Office buildings
- Out-patient clinics

- Passenger and freight terminal buildings
- Police stations
- Power plants
- Prefabricated buildings
- Remodeling buildings
- Renovating buildings
- Repairing buildings
- Restaurants
- Schools
- Service stations
- Shopping centers
- Stores
- Subway stations
- Theaters
- Warehouses
- Water & Sewage treatment plants (building only)

SECTION 2. Prevailing Wage Regulation 1.101(16), regarding definitions, is amended to read as follows:

(16) “Residential Construction” means the construction, alteration, or repair of single family houses or apartment buildings of no more than four (4) stories in height. This includes all incidental items such as site work, parking areas, utilities, streets and sidewalks, unless there is an established area practice to the contrary. Examples of residential construction may include:

- Town or Row houses
- Apartment buildings (4 stories or less)
- Single family houses
- Mobile home developments
- Multi-family houses
- Student housing (wood-frame and 3 stories or less)

SECTION 3. EMERGENCY CLAUSE. The Arkansas Department of Labor finds that there is an imminent peril to the public health, safety, and welfare which requires the adoption of this amendment to its regulations with less than thirty (30) days notice as provided by Ark. Code Ann. § 25-15-204(b). Specifically, the department finds that there are certain types of student housing that are not clearly dormitories and not clearly apartments and that there are state-supported institutions of higher education that have such construction projects pending. If this regulation is not passed on an emergency basis, it may result in the delay of construction projects at state-supported institutions of higher education; it may result in increased costs on construction projects at state-supported institutions of higher education; and it may result in unnecessary litigation involving state supported institutions of higher education and the Department of Labor. Therefore an emergency is declared to exist and this regulation being necessary shall be in full force and effect on Wednesday, November 10, 2004.